OEA

Your Seattle City Light

Memorandum

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DATE : December 26, 1979

TO : Pete Henault

FROM : Bill Riley

SUBJECT : Trip Report, December 3-6, 1979

During the period covered in this trip report I attended a three day conference in Cherry Hill, New Jersey on Oil and Hazardous Material Spills (Dec. 3-5). On December 6 I visited FERC headquarters in Washington D.C. where I discussed, at considerable length, the High Ross Wildlife Mitigation Plan with Dean Shumway. Mr. Shumway heads the Conservation Section of the Environmental Analysis Branch, Licenses Division and is the FERC official responsible for reviewing and approving the plan.

Oil and Hazardous Material Spills Conference

This conference, sponsored by the Hazardous Materials Control Research Institute, covered a broad range of topics related to the prevention, control and clean-up of spilled oil and toxic, or otherwise hazardous chemicals. In addition to numerous speakers, an exhibit hall was provided for manufacturers of spill clean-up products to display their goods and distribute literature. Subjects covered by the speakers included relevant legislation and regulations, spill response case histories (including the massive PEMEX oil spill in the Gulf of Mexico), training in the prevention and clean-up of spills, handling liability for a spill, planning safe routes for trucking hazardous materials and general spill response techniques. These subjects, as they relate to potential oil and PCB spills at City Light facilities, are discussed below.

Laws and Regulations - Speakers discussed current, proposed and anticipated legislation. The Clean Water Act (Section 311) and the Resource Conservation and Recovery Act (RCRA) bear most directly on the control and clean-up of spills and provide the authority and directives for issuing regulations such as those we must follow for handling PCB's. One highly significant proposed regulation would establish a Superfund for cleaning-up oil and hazardous material spills. This fund would be established by taxing "generators" of oil and hazardous materials. The EPA

also expects to issue regulations governing clean-up procedures, though one speaker cautioned not to expect too much out of them. Anyone needing an explanation of EPA regulations on hazardous materials can call (202) 245-3036. One other phone number which is extremely important is 800-424-8802. In the event of an oil or hazardous material spill into navigable waters, the responsible official must call this number to report the spill, under penalty of heavy fine and possibly a jail sentence.

Spill Case Histories - The confusion and panic usually associated with oil and hazardous material spills often lead to "clashes" over who is in charge, since there are usually several agencies with some jurisdiction who respond. The time required to resolve the clash can mean the difference between containing the spill or having it get away. The best way to prevent such a clash is to have a spill contingency plan prepared and agreed to beforehand. While general response strategies to a possible spill should be made clear in the spill contingency plan, it is more important to clearly spell out who is in charge of what.

Spill Response - When a spill occurs, the key to an effective response is a good communications system with radio transmitters and receivers capable of operating on a broad range of frequencies. A good spill contingency plan will indicate the nearest clean-up materials and temporary oil or hazardous waste storage equipment (quite often equipment is available for clean-up but the material escapes because there's no place to put it). For spills into navigable water, the Coast Guard has primary jurisdiction but often can't be there during the first critical moments. This is the time to deploy containment booms and skimmer pumps. In a river or intertidal environment, one can usually predict where the spilled material will collect, such as slack water areas. Thus if containment at the source is not possible, the contingency plan should identify probable areas of collection where clean up efforts should concentrate. For fast moving waters where considerable mixing occurs, the chances of recovering the spilled material are slight. Spill prevention should be extremely reliable in such cases (e.g., the Skagit). Development of spill control technology has greatly accelerated in past years due to the increasing number and size of spills. Some of the more interesting products recently developed include hydrid bacteria which are specific to and biologically degrade certain petrochemicals and a wide variety of synthetic organic substances (not PCB's unfortunately), "molecular traps" which are oil containment booms with an outer selective membrane that permits absorption of oil but not water; oil dispersants which emulsify an oil slick to prevent damaging beaches, oyster beds, seabirds etc. (principally cosmetic, sometimes more toxic than the oil and only works in salt water).

The EPA is developing an Emergency Response Team to assist in any type of spill. They even plan to have a portable PCB incinerator.

Training - Speakers stressed the need for proper training of task oriented personnel and especially middle management personnel responsible for preparing Spill Prevention, Control and Countermeasure (SPCC) Plans. The National Spill Control School at Corpus Christi State University in Texas offers 3 to 5 day courses on oil and hazardous material spills (including one on PCB's) with proper development of an SPCC plan as the main focus. The courses cost from $300 to $450.

Liability - Mr. Ron DeNoville, General Manager of the Environmental Pollution Claims Division, Crawford and Co., related the various problems claims adjusters must deal with when handling damages resulting from oil and hazardous material spills (he handled the Santa Barbara oil spill). He stressed that while lawsuits are inevitable in most cases a claims adjuster experienced in major environmental pollution incidents can greatly reduce the extent and cost of litigation. I asked him if we could absolve ourselves of any liability for a PCB spill caused by a common carrier with whom we had contracted to haul our PCB's. He replied that since Washington is a "comparative negligence" state, our best protection would be documentation (photographs, witnesses) that all of the equipment was properly packaged and loaded on the truck, did not leak, etc. He also suggested that we look into joining AEGIS, a group of utilities that self-insure one another. It is my understanding, however, that Northwest utilities (including City Light) have a similar arrangement.

Spill Prevention - A speaker from the Department of Transportation explained methods of determining the least risk route for trucking hazardous materials. While nearly 75% of all trucking accidents are due to human error, selecting roads with the least number of accidents per mile driven greatly reduces the chances. Accident rates for all Washington highways are available from the State Department of Highways.

As for possible oil spills, P. R. Mallory and Co. has developed an automatic sump monitoring device which triggers an alarm whenever oil is present. This could be used in catchment basins which detain runoff from individual substation transformers or entire transformer decks at our hydroelectric facilities which currently drain directly into the Skagit, Boundary, and Cedar Rivers. The alarm could even trigger a switch to automatically close a drainage valve on the catchment basin, preventing any oil from reaching the river.

Meeting with Mr. Dean Shumway, FERC

On December 6 I spent a couple of hours discussing the High Ross Wildlife Mitigation Plan (HRWMP) with Mr. Shumway and one of his

staff, Peter Foote. Mr. Foote is currently handling all of our Skagit projects for FERC. He is a fisheries biologist and had nothing to say about the HRWMP. Mr. Shumway currently has only one Wildlife biologist on his staff, but expects to hire another soon. This person would then assume responsibility for reviewing the HRWMP.

The first question I asked Mr. Shumway was how much Wildlife Mitigation does FERC expect us to come up with. He replied that they generally push for 100% replacement of wildlife values and require "consideration" of enhancement (>100%) if feasible. If 100% mitigation (i.e., full compensation in our use of the terms) appears attainable without going to "unreasonable" measures, then something less than 100% would suffice. What constitutes "unreasonable" measures does not include cost however, since Wilidlife Mitigation is viewed by FERC as part of the overall project cost, just like the penstocks, tailrace, etc. "Unreasonable" measures could include those that would create an unacceptable esthetic problem, like blasting to create upland ponds in a National Park setting. Off-site mitigation is not uncommon and will be required if on-site measures don't achieve 100% mitigation.

We talked for quite awhile about the problem of not having the cooperation of the Canadian natural resource agencies in developing a comprehensive plan for the entire valley. Recognizing that the upper Skagit Valley in Canada holds great potential for habitat manipulation due to the extent of relatively flat land, Mr. Shumway does not see development of a final plan for even the U.S. portion of the basin until we know exactly what's possible in Canada. Therefore, we should submit our plan for the U.S. portion of Ross Basin detailing exactly what we intend to do within the basin, how much mitigation that would achieve, and then in a general sense, present concepts and possibilities for achieving the remainder (for 100% mitigation) outside the basin. Thus, our plan would be provisional until we get some cooperation from the Canadians.

We discussed habitat evaluation, in general, and the problems with placing more or less emphasis on particular wildlife species when planning mitigation. FERC ses the U.S. Fish and Wildlife Service's Habitat Evaluation Procedures (HEP) as a major tool in developing mitigation plans and concurs on the "ecosystems" approach we are taking to replace habitat with similar habitat. Mr Shumway emphasized, however, that they are bound by NEPA to address as top priority impacts to the "human environment." Therefore, those species with high "social" value, i.e. endangered or threatened and game species, must be taken care of first. To the extent that other species benefit from habitat improvements for these "target" species, nearly all wildlife values present can often be replaced without specific measures for each species to be impacted. When asked how to determine what species are most "socially" important in the North Cascades National Park and RLNRA where most wildlife "use" is non-comsumptive (i.e. wildlife appreciation), Mr. Shumway said to refer to those species identified in the High Ross hearings testimony as being of significant value.

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cc: Riley OEA (3) File